

**DECLARATION AND POWER OF ATTORNEY**  
**FOR PATENT APPLICATION**

As the below named inventors, we hereby declare that:

Our residence, post office address and citizenship is as stated below next to our names,

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD AND APPARATUS FOR APPLYING ENERGY TO BIOLOGICAL TISSUE INCLUDING THE USE OF TUMESCENT TISSUE COMPRESSION**

\_\_\_\_\_ is attached hereto

X was filed on March 10, 1999

as Application Serial No. 09/267,127 and was amended on (or amended through) \_\_\_\_\_ (if applicable).

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s) Priority Claimed

None \_\_\_\_\_

No. Country Day/Month/Year filed Yes No

We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

<u>08/927,251</u>	<u>09/11/97</u>	<u>Pending</u>
Appl. Serial No.	Filing Date	Status
<u>09/138,472</u>	<u>08/21/98</u>	<u>Pending</u>
Appl. Serial No.	Filing Date	Status

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

THOMAS A. RUNK, Registration No. 30,679, CRAIG B. BAILEY, Registration No. 28,786; GILBERT G. KOVELMAN, Registration No. 19,552; RICHARD A. BARDIN, Registration No. 20,365; JOHN K. FITZGERALD, Registration No. 38,881; RONALD E. PEREZ, Registration No. 36,891; and JAMES JUO, Registration No. 36,177. Please direct all telephone calls to THOMAS A. RUNK at telephone No. (310) 824-5555.

Address all correspondence to:

FULWIDER PATTON LEE & UTECHT, LLP  
10877 Wilshire Boulevard, Tenth Floor  
Los Angeles, California 90024

Full name of first inventor: MITCHEL P. GOLDMAN

Inventor's signature: *Mitchell P. Goldman*

Date: April 13, 1999

Residence: La Jolla, CA

Citizenship: USA

Post Office Address: 745 Coast Blvd. S. #3A  
La Jolla, CA 92037

Full name of second inventor: ROBERT A. WEISS

Inventor's signature: *Robert A. Weiss*

Date: May 5, 1999

Residence: Baltimore, MD

Citizenship: USA

Post Office Address: 54 Scott Adam Rd.  
Hunt Valley, MD 21030

Full name of third inventor: ARTHUR W. ZIKORUS

Inventor's signature: *Arthur W. Zikorus*

Date: April 14, 1999

Residence: San Jose, CA

Citizenship: USA

Post Office Address: 1547 Thornbriar Drive  
San Jose, CA 95131

Full name of fourth inventor: JAMES G. CHANDLER

Inventor's signature: James G. Chandler

Date: April 20, 1999

Residence: 3721 Mountain Laurel Plce

Citizenship: USA Boulder CO 80304

Post Office Address: